

6th September, 2022
(D/L No.13)
(SKB)

W.P.A.2388 of 2022

Sougato Khonari
Versus
The State of West Bengal and others

Mr. Partha Sarathi Bhattacharyya,
Mr. Anindya Bose,
Mr. Raju Bhattacharyya,
Mr. Arunava Maiti,
Mr. Diptendu Mondal
... for the petitioner.

Mr. A. Ray,
Mr. Raja Saha,
Mr. Debasish Ghosh
... for the State.

The affidavit of service is taken on record.

Although learned counsel appearing for the State seeks to improve the opacity of the impugned order dated 21st January, 2022 passed by the Special Excise Commissioner Revenue, the order remains non-transparent and without reasons.

Counsel appearing for the State submits that reasons have already been provided to the petitioner for rejection of the application for Restaurant-cum-Bar Licence vide an online application made on 19th February, 2020. However, the order impugned in the present writ petition does not indicate even a single reason being provided by the authority in question.

The submission made by learned counsel appearing for the petitioner with regard to an

amendment to third proviso of Rule 9(1) of the West Bengal Excise (Selection of New Sites and Grant of License for Retail Sale of Liquor and Certain Other Intoxicants) Rules, 2003 is also not being dealt with since the order impugned deserves to be set aside only on the ground stated above.

W.P.A.2388 of 2022 is accordingly allowed and disposed of by quashing the impugned communication dated 21st January, 2022 and directing the Special Excise Commissioner Revenue to communicate the decision of the Finance Department, Government of West Bengal to the petitioner by way of a fresh communication. Needless to say, the order communicated should disclose the basis for accepting or rejecting the petitioner's application for Restaurant-cum-Bar Licence. The concerned authorities is directed to comply with the directions within a period of four weeks from today and a copy of the reasoned communication shall be made available to the petitioner within an utter limit of five weeks from today.

(Moushumi Bhattacharya, J.)